

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

GARY MOSLEY §
VS. § CIVIL ACTION NO. 1:22-CV-353
O. BALDEN POLK, Warden, *et al.*, §

MEMORANDUM OPINION REGARDING VENUE

Plaintiff, Gary Mosley, a former inmate at the Gib Lewis Unit, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Defendants Warden Balden O. Polk, Sergeant Shannarcus Preston, Count Room Clerk Heather O'Dell, and Sergeant FNU Marvalet.

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

Venue in a civil rights action is determined pursuant to 28 U.S.C. § 1391(b). When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where all the defendants reside or in which a substantial part of the events or omissions giving rise to the claim occurred. Venue is proper in the Eastern District of Texas.

Plaintiff's complaint, however, pertains to incidences that occurred during his confinement at the Gib Lewis Unit in Woodville, Texas located in the Lufkin Division of the Eastern District of Texas. A district court has the authority to transfer a case in the interest of justice to another district

in which the action might have been brought. *See* 28 U.S.C. §§ 1404, 1406. The Gib Lewis Unit is located in Tyler County, Texas which lies within the jurisdiction of the Lufkin Division of the Eastern District of Texas. Therefore, in the interest of justice, and for the convenience of the parties and witnesses, all claims against the Defendants should be transferred to the Lufkin Division of the Eastern District of Texas. An appropriate order so providing will be entered by the undersigned.

SIGNED this the 29th day of August, 2022.

A handwritten signature in black ink, appearing to read 'C. Stetson', written over a horizontal line.

Christine L Stetson
UNITED STATES MAGISTRATE JUDGE